

Senator D. Chris Butters proposes the following substitute bill:

JOINT RESOLUTION REJECTING

FEDERAL EDUCATION FUNDS

2010 SECOND SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca D. Lockhart

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This joint resolution of the Legislature rejects \$101,303,951 in federal education funds from the Education Jobs Fund.

Highlighted Provisions:

This resolution:

► rejects the \$101,303,951 in federal funds under Public Law 111-226, Sec. 101, Education Jobs Fund.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, Congress passed, and the President signed, Public Law 111-226, Sec. 101, Education Jobs Fund;

WHEREAS, under the terms of Public Law 111-226, Sec. 101, the Secretary of the United States Department of Education is required to allocate federal education funds to each state that has filed an application requesting the federal education funds;

WHEREAS, Governor Herbert, on behalf of the state of Utah, filed an application with



the United States Department of Education requesting the federal education funds on September 7, 2010;

WHEREAS, on September 13, 2010, the Secretary of Education announced that Utah would receive \$101,303,951 in federal education funds from the Education Jobs Fund;

WHEREAS, the United States Congress and the United States government have consistently and routinely usurped the role of the states in our federal system;

WHEREAS, that usurpation has generally taken the form of the federal government circumventing state legislatures and the state legislatures' appropriation process by granting monies directly to the governor, to the state executive branch, or to local government entities;

WHEREAS, Public Law 111-226, Sec. 101 continues this circumvention process by authorizing the United States Secretary of Education to grant federal education jobs funds directly to other educational entities in the state if the governor fails to apply for the funds; and

WHEREAS, Section 63J-5-204 of the Utah Code requires that the Legislature approve a federal fund request within three months of the request if the request would "result in the state receiving total payments of \$10,000,000 or more per year from the federal government":

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah rejects the \$101,303,951 in federal education funds from Public Law 111-226, Sec. 101, Education Jobs Fund.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Herbert, the members of Utah's Congressional delegation, the presiding officers in the House and Senate of the state legislatures in Idaho, Wyoming, Colorado, Arizona, Nevada, and Montana, and the United States Secretary of Education.